

WILSON TURNER KOSMO LLP

ROBIN A. WOFFORD (137919)
FREDERICK W. KOSMO, JR. (138036)
JOCELYN D. HANNAH (224666)
550 West C Street, Suite 1050
San Diego, California 92101
Telephone: (619) 236-9600
Facsimile: (619) 236-9669
E-mail: rwofford@wilsonturnerkosmo.com
E-mail: fkosmo@wilsonturnerkosmo.com
E-mail: jhannah@wilsonturnerkosmo.com

Attorneys for Defendants
SHELL OIL COMPANY, SHELL OIL
PRODUCTS COMPANY LLC and
EQUILON ENTERPRISES LLC

KELLER GROVER LLP

ERIC A. GROVER (SBN 136080)
RACHAEL G. JUNG (SBN 239323)
1965 Market Street
San Francisco, California 94103
Telephone: (415) 543-1305
Facsimile: (415) 543-7861
E-mail: eagrover@kellergrover.com
E-mail: rjung@kellergrover.com

Attorneys for Plaintiff
TUAN NGUYEN

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA
OAKLAND DIVISION

TUAN NGUYEN, individually and on behalf of
a class of similarly situated individuals,

Plaintiff,

v.

SHELL OIL COMPANY; SHELL OIL
PRODUCTS COMPANY LLC; and DOES 1
through 10, inclusive,

Defendants.

Case No. CV 12-04650 YGR

**STIPULATION DISMISSING
DEFENDANTS WITHOUT
PREJUDICE AND FILING OF FIRST
AMENDED COMPLAINT ADDING
NEW DEFENDANT**

Complaint Filed: June 19, 2012

Judge: Hon. Yvonne Gonzalez-Rogers
Courtroom: 5 (2nd Floor)

Trial Date: Not Set

Case No. CV 12-04650 YGR

**STIPULATION DISMISSING DEFENDANTS WITHOUT PREJUDICE AND FILING OF FIRST
AMENDED COMPLAINT ADDING NEW DEFENDANT**

1 Pursuant to Federal Rule of Civil Procedure Rule 15(a)(2), the parties and the proposed new
2 defendant, Equilon Enterprises LLC (dba Shell Oil Products US), enter into the following
3 stipulation:

4 IT IS HEREBY STIPULATED by and between the parties hereto through their respective
5 attorneys of record that Plaintiff may file a First Amended Complaint, a copy of which is attached
6 hereto as Exhibit A. The parties have engaged in discovery and the informal exchange of
7 information. Through this process, Defendants have asserted that Shell Oil Company and Shell Oil
8 Products Company LLC are improper parties and that the correct party is Equilon Enterprises LLC
9 (dba Shell Oil Products US) (referred to in this Stipulation as "Equilon"), the owner of the 888-GO-
10 SHELL telephone number at issue in the Complaint. In reliance on Defendants' representation, the
11 parties have agreed to dismiss Shell Oil Company and Shell Oil Products Company LLC from the
12 Complaint without prejudice and to add Equilon.

13 The parties and Equilon agree that all claims alleged in the proposed First Amended
14 Complaint shall relate back to the original filing date of the action in state court.

15 The parties further agree that all statutes of limitation and other time limitations of any kind
16 in all claims that Plaintiff and the putative class alleged in the Complaint against Shell Oil Company
17 and Shell Oil Products Company LLC will remain tolled throughout the pendency of this lawsuit and
18 that should Plaintiff ever move successfully to add Shell Oil Company and/or Shell Oil Products
19 Company LLC back into the action as defendants that the claims against them alleged in the
20 Complaint shall relate back to the original filing date of the action in state court.

21 IT IS FURTHER STIPULATED that newly added Defendant Equilon waives notice and
22 service of the First Amended Complaint and shall not be required to answer the amendment, and that
23 all denials, responses and affirmative defenses contained in the answer filed by defendants Shell Oil

24 ///

25 ///

26 ///

Company and Shell Oil Company Products LLC to the original complaint shall be responsive to the First Amended Complaint.

IT IS SO STIPULATED.

Dated: January 8, 2014

KELLER GROVER LLP

By: /s/ Eric A. Grover
ERIC A. GROVER
RACHAEL G. JUNG
Attorneys for Plaintiff Tuan Nguyen
and the Proposed Class

Dated: January 8, 2014

WILSON TURNER KOSMO LLP

By: /s/ Frederick W. Kosmo, Jr.
ROBIN A. WOFFORD
FREDERICK W. KOSMO, JR.
JOCELYN D. HANNAH
Attorneys for Defendants Shell Oil Company,
Shell Oil Products Company LLC and Equilon
Enterprises LLC

SIGNATURE ATTESTATION

Pursuant to Local Rule 5-1(i)(3), I hereby certify that authorization for the filing of this document has been obtained from each of the signatories shown above and that all signatories concur in the filing's content.

By: /s/ Frederick W. Kosmo, Jr.
FREDERICK W. KOSMO, JR.